

held under section 3007 of this title to determine if there is probable cause to believe that a violation of this section has occurred.

(3) The Postmaster General shall prescribe regulations under which any individual seeking to make a purchase on behalf of the Postal Service under this subsection from any person shall—

(A) identify himself as an employee or authorized agent of the Postal Service, as the case may be;

(B) state the nature of the conduct under investigation; and

(C) inform such person that the failure to complete the transaction may be considered in a proceeding under section 3007 of this title to determine probable cause, in accordance with paragraph (2) of this subsection.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 747; Pub. L. 93-583, § 4, Jan. 2, 1975, 88 Stat. 1916; Pub. L. 94-525, § 2, Oct. 17, 1976, 90 Stat. 2478; Pub. L. 95-360, Sept. 9, 1978, 92 Stat. 594; Pub. L. 98-186, § 2, Nov. 30, 1983, 97 Stat. 1315; Pub. L. 100-625, § 2(c), Nov. 7, 1988, 102 Stat. 3205; Pub. L. 101-524, § 2(b), Nov. 6, 1990, 104 Stat. 2302; Pub. L. 102-71, § 2(2), July 10, 1991, 105 Stat. 330; Pub. L. 106-168, title I, §§ 104, 105(b)(2)(A), Dec. 12, 1999, 113 Stat. 1810, 1811; Pub. L. 109-435, title X, § 1010(g)(3), Dec. 20, 2006, 120 Stat. 3262.)

### Editorial Notes

#### AMENDMENTS

2006—Subsec. (a). Pub. L. 109-435 substituted “under section 3001(d),” for “under 3001(d),” in introductory provisions and “under such section 3001(d),” for “under such 3001(d),” in concluding provisions.

1999—Subsec. (a). Pub. L. 106-168, § 104, in two places, struck out “or” after “(h),” and inserted “, (j), or (k)” after “(i)”.

Subsec. (c). Pub. L. 106-168, § 105(b)(2)(A), substituted “section,” for “section and section 3006 of this title,”.

1991—Subsec. (a). Pub. L. 102-71 substituted “3001(d), (h), or (i)” for “section 3001(d), (f), or (g)” in two places.

1990—Subsec. (a). Pub. L. 101-524 substituted “section 3001(d), (f), or (g)” for “section 3001(d)” in two places.

1988—Subsec. (d)(1). Pub. L. 100-625 amended cl. (1) generally. Prior to amendment, cl. (1) read as follows: “a newspaper of general circulation containing advertisements, lists of prizes, or information concerning a lottery conducted by a State acting under authority of State law, published in that State, or in an adjacent State which conducts such a lottery.”

1983—Subsec. (a)(3). Pub. L. 98-186, § 2(a), added par. (3).

Subsec. (d). Pub. L. 98-186, § 2(b), struck out “or” before “(2)”, inserted “or” before “(3)”, and inserted cl. (3) and provision relating to applicability of cl. (3).

Subsec. (e). Pub. L. 98-186, § 2(c), added subsec. (e).

1978—Subsec. (a). Pub. L. 95-360 inserted provisions relating to nonmailable matter under section 3001(d) of this title.

1976—Subsec. (d). Pub. L. 94-525 substituted “a newspaper of general circulation containing advertisements, lists of prizes, or information concerning a lottery conducted by a State acting under authority of State law, published in that State, or in an adjacent State which conducts such a lottery,” for “a newspaper of general circulation published in a State containing advertisements, lists of prizes, or information concerning a lottery conducted by that State acting under authority of State law,”.

1975—Subsec. (d). Pub. L. 93-583 added subsec. (d).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-168 effective 120 days after Dec. 12, 1999, see section 111 of Pub. L. 106-168, set out as a note under section 3001 of this title.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-524 effective Nov. 6, 1990, and applicable to matter deposited for mailing and delivery on or after 180 days after Nov. 6, 1990, see section 6 of Pub. L. 101-524, set out as a note under section 3001 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-625 effective 18 months after Nov. 7, 1988, see section 5 of Pub. L. 100-625, set out as a note under section 1304 of Title 18, Crimes and Criminal Procedure.

#### EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

#### CONSUMER EDUCATION PROGRAM ON SCHEMES INVOLVING FALSE REPRESENTATIONS

Pub. L. 98-186, § 4, Nov. 30, 1983, 97 Stat. 1317, as amended by Pub. L. 104-66, title II, § 2211(a), Dec. 21, 1995, 109 Stat. 732, provided that:

“(a) As soon as practicable after the date of enactment of this Act [Nov. 30, 1983], the Postmaster General or his designee, following consultation with representatives of the mail order industry, shall develop and carry out a program designed to provide consumer education to the public on schemes involving false representations through use of the mails, including the dissemination of information on recognizing practices commonly associated with such schemes, as well as appropriate measures which an individual may take upon receiving mail matter which the individual believes may be part of such a scheme.

“(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).”

### **[§ 3006. Repealed. Pub. L. 106-168, title I, § 105(b)(1), Dec. 12, 1999, 113 Stat. 1811]**

Section, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 747, prohibited persons from obtaining or attempting to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile thing.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF REPEAL

Repeal effective 120 days after Dec. 12, 1999, see section 111 of Pub. L. 106-168, set out as an Effective Date of 1999 Amendment note under section 3001 of this title.

### **§ 3007. Detention of mail for temporary periods**

(a)(1) In preparation for or during the pendency of proceedings under section 3005, the Postal Service may, under the provisions of section 409(d), apply to the district court in any district in which mail is sent or received as part of the alleged scheme, device, lottery, gift enterprise, sweepstakes, skill contest, or facsimile check or in any district in which the defendant is found, for a temporary restraining order and preliminary injunction under the procedural requirements of rule 65 of the Federal Rules of Civil Procedure.